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20 PHILIP MORRIS USA INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23 PHILIP MORRIS USA INC.,

24 Plaintiff,

25 v.

26 SILVER VIEW SUPERMARKET, a California
27 corporation doing business as SILVER VIEW
28 SUPERMARKET, *et al.*,

Defendants.

NO.: C-06-00701-MMC

**NOTICE OF VOLUNTARY
DISMISSAL OF DEFENDANT
QUICK STOP MARKETS, INC.
PURSUANT TO
FED. R. CIV. P. 41(a)**

NOTICE IS HEREBY GIVEN that pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), Plaintiff PHILIP MORRIS USA INC. voluntarily dismisses *with prejudice* all of its claims in the above-captioned action, *Philip Morris USA Inc. v. Silver View Supermarket, et al.*, Case No. C-06-0701 MMC, against the following defendant:

Defendant QUICK STOP MARKETS INC., a California corporation doing business as QUICK STOP #90 (Retailer No. 14).

No other claims are dismissed hereby.

DATED: February 21, 2006

HELLER EHRMAN LLP

By /s/ Anna S. McLean
Anna S. McLean

Attorneys for Plaintiff
PHILIP MORRIS USA INC.

Dated: February 21, 2006

